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10/654,407	09/03/2003	Matthew A. Mostad	41698.1102	5457

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EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/654,407

Applicant(s)

MOSTAD, MATTHEW A.

Examiner

Hemant Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The Applicant Response dated June 30, 2006 to an Office Action dated January 24, 2006 is entered. Claims 1-34 are pending in this application.

### *Response to Arguments*

2. Applicant's arguments filed June 30, 2006 have been fully considered but they are not persuasive.

3. **Regarding claims 1, 18**, the Applicant argues that Uppaluru does not teach or suggest "call handling style" (Response, pg. 7, ll. 19-20; pg. 8, ll. 2-4, 32-33; pg. 9, ll. 9-11). The Examiner respectfully disagrees. The instant application specification discloses "call handling style" as "For example, a user profile may specify the preferred method of handling his/her information assistance call, e.g., use of a special skilled operator, such as a Spanish speaking operator, to answer one such call." (Specification, pg. 4, ll. 20-22). Uppaluru clearly discloses a user's "personal profile" (reads on user profile) with user preferences (reads on preferred method of handling his/her information assistance call) and these preferences include gender and language selection (reads on Spanish speaking operator) for presenting messages and information to the calling user (Uppaluru, col. 2, ll. 42-52). This user profile is retrieved using the information identifying the user (Uppaluru, col. 3, ll. 1-4). Further, the Applicant argues that Uppaluru fails to teach or suggest "message for greeting the user" (Response, pg. 9, ll. 1-2, 5-6, 10-11; pg. 10, ll. 4). The Examiner respectfully disagrees. Uppaluru clearly teaches that the user's personal profile includes preferences for "personal greetings" (Uppaluru, col. 2, ll.

42-52, specifically ll. 48-49). The personal greeting is dynamically generated by inserting information represented by variables i.e. user's name retrieved from user profile (Uppaluru, col. 23, Appendix A, Heading Strings: ll. 4-15) and is played by voice browser.

4. **Regarding claims 12, 29**, the Applicant argues that Uppaluru fails to teach or suggest "message for greeting the user" wherein the message includes "at least one variable parameter," as claimed (Response, pg. 11, ll. 1-7). The Examiner respectfully disagrees. The response to this argument is discussed above as "personal greetings" for claims 1 and 18. With respect to the argument "obtaining data concerning a call handling style preferred by the user," and "selecting, based on data, a message for greeting the user," as required by claims 12 and 29 (Response, pg. 10, ll. 19-21), the response to this is discussed above for "call handling style" with reference to user's "personal profile" and "preferences", and "personal greetings" as messages for greeting the user for claims 1 and 18. Furthermore, the selection of a message reads on personal greetings in a particular voice based on gender and language specified as user preferences in his/her profile.

5. For the above reasons, the Applicant arguments are not persuasive and the claim rejections with more explanation are repeated here for Applicant's convenience.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-7, 12-13, 18, 20-24, 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Uppaluru (US Patent No. 5,915,001).

**Regarding claim 1**, Uppaluru teaches a method for handling a call from a user, comprising:

obtaining information identifying the user (col. 3, ll. 1-4, phone number, social security number);

obtaining, based on the information, a record containing data concerning a call handling style preferred by the user (col. 3, ll. 4-7, using this number to get personal home page specifying user attributes and preferences in a linked user profile; a user's "personal profile" (reads on a record containing data) with user preferences (reads on data concerning call handling style preferred by the user) and these preferences include gender and language selection for presenting messages and information to the calling user);

generating, based on the call handling style, a message for greeting the user (col. 23, Appendix A, Heading Strings: ll. 4-15, the personal greeting is dynamically generated by inserting information represented by variables i.e. user's name retrieved from user profile; col. 3, ll. 45-46, 50-51, using user preferences relative to information selection, configuration and presentation and dynamically retrieving suitable information) and

delivering the message to the user during the call (col. 23, Appendix A, Heading Strings: ll. 4-15, the greeting is played by the voice web browser to the caller; col. 12, ll.

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22-24, information presented to the subscriber over the telephone by the voice web browser).

**Regarding claim 3**, "The method of claim 1, wherein the information includes a voiceprint", Uppaluru teaches of voice imprints for authentication (col. 2, ll. 46-47).

**Regarding claim 4**, "The method of claim 1, wherein the information includes a PIN", Uppaluru teaches of subscriber PIN (col. 15, ll. 61-62).

**Regarding claim 5**, "The method of claim 1, wherein the information includes a password", Uppaluru teaches of subscriber password (col. 3, ll. 7-10).

**Regarding claim 6**, "The method of claim 1, wherein the message comprises one or more variable parameters whose representations are determined when the call is received", Uppaluru teaches of retrieving subscriber requested information and incorporating it for presentation to the subscriber when the call is received (col. 12, ll. 10-13).

**Regarding claim 7**, "The method of claim 6, wherein the variable parameters are time-sensitive", Uppaluru teaches of variable parameters i.e. dynamically retrieved stock quotes that are time-sensitive (col. 11, ll. 51-59).

**Regarding claim 12**, Uppaluru teaches of a method for greeting a caller, comprising:

receiving a call from the caller (col. 15, ll. 52-55);

obtaining data concerning a call handling style preferred by the user (col. 3, ll. 4-7, getting personal home page specifying user attributes and preferences in a linked user profile; a user's "personal profile" (reads on data) with user preferences (reads on

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data concerning call handling style preferred by the user) and these preferences include gender and language selection for presenting messages and information to the calling user);

selecting, based on the data, a message for greeting the user, the message including at least one variable parameter (col. 2, ll. 42-52; the selection of a message in particular voice is based on gender and language specified as user's preferences in his/her profile; col. 23, Appendix A, Heading Strings: ll. 4-15, the personal greeting is dynamically generated by inserting information represented by variables i.e. user's name retrieved from user profile);

determining information represented by the variable parameter (col. 23, Appendix A, Heading Strings: ll. 4-15, the personal greeting is dynamically generated by inserting information represented by variables i.e. user's name retrieved from user profile; col. 3, ll. 45-46, 50-51, using user preferences relative to information selection, configuration and presentation and dynamically retrieving suitable information);

inserting the information in place of the variable parameter in the message (col. 23, Appendix A, Heading Strings: ll. 4-15, the personal greeting is dynamically generated by inserting information represented by variables i.e. user's name retrieved from user profile; col. 12, ll. 22-23, generating a voice web page including retrieved information); and

providing the resulting message to the user during the call (col. 23, Appendix A, Heading Strings: ll. 4-15, the greeting is played by the voice web browser to the caller;

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col. 12, ll. 22-24, information presented to the subscriber over the telephone by the voice web browser).

***Regarding claim 13,*** refer to rejections for claim 7 and claim 12.

***Regarding claim 18,*** it recites of a system that substantively implements method as claimed in claim 1. Refer to rejections for claim 1.

***Regarding claim 20,*** refer to rejections for claim 3 and claim 18.

***Regarding claim 21,*** refer to rejections for claim 4 and claim 18.

***Regarding claim 22,*** refer to rejections for claim 5 and claim 18.

***Regarding claim 23,*** refer to rejections for claim 6 and claim 18.

***Regarding claim 24,*** refer to rejections for claim 7 and claim 23.

***Regarding claim 29,*** it recites of a system that substantively implements method as claimed in claim 12. Refer to rejections for claim 12.

***Regarding claim 30,*** refer to rejections for claim 13 and claim 29.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 8, 14, 19, 25, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru as applied to claims 1, 12, 18, 29 above, and further in view of Ferrer (US Patent No. 6,700,965 B1).



**Regarding claim 2**, “The method of claim 1, wherein the information includes an automatic number identifier (ANI) associated with call”, Uppaluru teaches of using phone number as user identity (col. 3, ll. 3-4) but does not specifically teach of automatic number identifier (ANI) associated with call.

However, in the same field of endeavor, Ferrer teaches of using ANI associated with the call (Fig. 2B, item 240).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Uppaluru to use ANI associated with the call as taught by Ferrer in order to locate user specific preference data.

**Regarding claim 8**, “The method of claim 1, wherein the call handling style includes humor”, Uppaluru does not teach of humor as call handling style.

However, in the same field of endeavor, Ferrer teaches of using humor as one of the user identity choices to handle the call (col. 3, ll. 15-18).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Uppaluru to use humor as one of the identities to handle the call as taught by Ferrer in order to provide user preferred voice response.

**Regarding claim 14**, refer to rejections for claim 8 and claim 12.

**Regarding claim 19**, refer to rejections for claim 2 and claim 18.

**Regarding claim 25**, refer to rejections for claim 8 and claim 18.

**Regarding claim 31**, refer to rejections for claim 14 and claim 29.

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10. Claims 9-10, 15-16, 26-27, 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru as applied to claims 1, 12, 18, 29 above, and further in view of Emery (US Patent No. 5,353,331).

**Regarding claim 9**, “The method of claim 1, wherein the call handling style relates to a lifestyle”, Uppaluru does not teach of relating lifestyle to call handling style.

However, in the same field of endeavor, Emery teaches of using user’s lifestyle to customize service for the user (col. 22, ll. 10-12).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Uppaluru to include user’s lifestyle as taught by Emery in order to customize the response to the user based on his/her lifestyle preference.

**Regarding claim 10**, “The method of claim 9, wherein the lifestyle relates to a businessperson lifestyle”, Uppaluru does not teach of relating lifestyle to businessperson lifestyle.

However, in the same field of endeavor, Emery teaches of using user’s business style to customize service for the user (col. 22, ll. 10-12).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Uppaluru to include user’s business style as taught by Emery in order to customize the response as per user preference based on his/her business related style.

**Regarding claim 15**, refer to rejections for claim 9 and claim 12.

**Regarding claim 16**, refer to rejections for claim 10 and claim 15.

**Regarding claim 26**, refer to rejections for claim 9 and claim 18.

**Regarding claim 27**, refer to rejections for claim 10 and claim 26.

**Regarding claim 32**, refer to rejections for claim 15 and claim 29.

**Regarding claim 33**, refer to rejections for claim 16 and claim 32.

11. Claims 11, 17, 28, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru and Emery as applied to claims 9, 15, 26, 32 above, and further in view of Brandenburg (US Patent No. 6,834,195 B2).

**Regarding claim 11**, "The method of claim 9, wherein the lifestyle relates to a skier lifestyle", Uppaluru and Emery do not teach of relating lifestyle to skier lifestyle.

However, in the same field of endeavor, Brandenburg teaches of specifying biographic (defined as relating to the facts or events in a person's life by The American Heritage College Dictionary, Fourth Edition, ISBN 0-618-45300-8, Pg. 143) and demographic (defined as the characteristics of human population when used to identify consumer market by The American Heritage College Dictionary, Fourth Edition, ISBN 0-618-45300-8, Pg. 377) in user profile (Fig. 1L). It further teaches of specifying Ski Club as an organization to organize the related content in a node (col. 36, ll. 32), and delivering it to the user according to the preferences specified by the user in the user profile (Abstract).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Uppaluru and Emery to include user's preference as a skier as taught by Brandenburg in order to receive information related to skiing.

**Regarding claim 17**, refer to rejections for claim 11 and claim 15.

**Regarding claim 28**, refer to rejections for claim 11 and claim 26.

**Regarding claim 34**, refer to rejections for claim 17 and claim 32.

### **Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,970,915	Partovi
US Patent No. 6,442,247	Garcia
US Patent No. 6,459,776	Aktas
US Patent Application No. 2004/0208297	Valentine

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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